

D

AO 91 (REV.5/85) Criminal Complaint

AUSA Jeff Perconte (312) 886-2065

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAGISTRATE JUDGE DENLOW

UNITED STATES OF AMERICA

RECEIVED

CRIMINAL COMPLAINT

v.

JUL 29 2009

CASE NUMBER

09 CR 647

DARRICK C. BOROCZK

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT UNDER SEAL

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about November 10, 2006, at Cook County, in the Northern District of Illinois, Eastern Division DARRICK C. BOROCZK, defendant herein:

knowingly employed, used, persuaded, enticed, or coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depiction of such conduct, such depiction having been produced using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce;

in violation of Title 18, United States Code, Section 2251(a). I further state that I am a Special Agent with Immigration & Customs Enforcement, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant

LINDSEY PATTI

Special Agent, Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence,

July 29, 2009

Date

at Chicago, Illinois

City and State

Morton Denlow

MORTON DENLOW, U.S. Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

FILED

JUL 30 2009
JUL 30 2009
MAGISTRATE JUDGE
MORTON DENLOW

UNITED STATES DISTRICT COURT)
) SS
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, LINDSEY PATTI, being duly sworn, state as follows:

1. I am a Special Agent with Immigration & Customs Enforcement ("ICE"), and have been so employed for four and a half years. My current responsibilities include the investigation of child exploitation and child pornography.

2. This affidavit is submitted in support of a criminal complaint alleging that DARRICK C. BOROCZK has violated Title 18, United States Code, Section 2251(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging DARRICK C. BOROCZK with sexual exploitation of a minor, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, interviews of witnesses, and database searches.

Facts Establishing Probable Cause

4. On or about April 16, 2009, ICE agents executed a federal search warrant on a home in New Castle, Pennsylvania. During the execution of that warrant, agents discovered numerous electronic data storage devices and computers. A preliminary

analysis of those data storage devices and computers revealed the existence of thousands of images of children engaged in sexually explicit conduct as that term is defined in 18 U.S.C. § 2256(2)(A).

5. Due to the volume of material seized during the search of the New Castle, Pennsylvania residence, ICE asked the Pennsylvania State Police to assist with the forensic analysis of the computers and storage devices seized from that residence.

6. During July 2009, Corporal Robert Erdely of the Pennsylvania State Police began reviewing computers and storage devices that were recovered during the April 16, 2009 search of the New Castle, Pennsylvania residence. Corporal Erdely is a member of the Pennsylvania State Police's Bureau of Criminal Investigation, Computer Crime Division. He has been employed as a Pennsylvania State Police Trooper since October 7, 1991. As part of his duties, he has received extensive training in the forensic analysis of computers and electronic storage devices.

7. During the course of Corporal Erdely's analysis of a hard drive recovered during the April 16, 2009 search of the New Castle, Pennsylvania residence, he found a folder titled "Pet", which contained approximately 294 jpeg images,¹ one mpeg movie,² and three wmv movies.³

¹ A "jpeg" is a type of digital image computer file.

² An "mpeg" is a type of video or audio computer file.

³ A "wmv" is a "Microsoft Media Video" computer file.

8. Upon reviewing the contents of the "Pet" folder, Corporal Erdely noticed that a white male showed his face in one of the videos that depicted the sexual exploitation of a prepubescent female child who appeared to be four to five years old.

9. On July 3, 2009, Corporal Erdely captured a still image of the face of the adult male from one of the three wmv files he found in the "Pet" folder. On July 27, 2009, Corporal Erdely emailed a request for a facial recognition analysis of the image of the face of that adult male to various state intelligence centers. That same day, Corporal Erdely received a telephone response from Lisa Nelson, a Terrorism and Research Specialist with the Illinois State Police. Nelson advised that she had a positive response, or match during the facial recognition analysis and forwarded the pertinent driver's license information and photos to Corporal Erdley via email. The driver's license information indicated that the facial recognition match was for an individual named DARRICK C. BOROCZK.


10. Corporal Erdely subsequently contacted ICE agents, and eventually forwarded the files contained in the "Pet" folder to your affiant for further investigation. Your affiant then reviewed the contents of the "Pet" folder, including a file titled "Video 3.wmv." This video, which is about 55 seconds in length, depicts a prepubescent female minor who appears to be approximately five years old, and who, at the outset of the video, is wearing a green t-shirt and black pants. Also depicted in this video is an adult male. Your affiant has compared BOROCZK's driver's license photograph to the adult male depicted

in the video file titled "Video 3.wmv," and determined that the adult male depicted in that video is BOROCZK.

11. The video titled "Video 3.wmv" depicts BOROCZK removing the female minor's pants and then lifting the female minor off the ground on two separate occasions. On the first occasion, BOROCZK bends the female minor over, lifts her off the ground so that her exposed buttocks and vagina are positioned in front of the camera, and then spreads the female minor's buttocks in a manner that exposes her anus to the camera for a few seconds. On the second occasion, BOROCZK picks the female minor off the ground in a cradle-type manner and exposes her vagina directly in front of the camera for approximately five seconds.

12. In addition, the "Pet" folder has thirteen images identified by two names, one of which starts with [REDACTED], and the other which starts with [REDACTED]. One of these thirteen images depicts a prepubescent minor female who appears to be approximately five years old, laying nude on her back. This image further depicts the minor female's legs pulled back with her hands behind her knees. In addition, the minor female's underwear are around her lower legs, and her vagina and anus are fully exposed to the camera. Your affiant has compared the female minor depicted in this image with the female minor depicted in the Video 3.wmv file discussed above, and has determined that the two files depict the same minor female.

13. On July 28, 2009, the Illinois State Police provided information confirming that [REDACTED]

 on the thirteen files located in the "Pet" folder that are referenced in paragraph 12.

14. In addition, the "Pet" folder contains a file titled "IM005911.jpg." According to the computer forensics analysis performed by Corporal Erdely, this file was created on November 10, 2006. The IM005911.jpg file depicts a prepubescent minor female that your affiant has determined to be the same prepubescent minor female depicted in the "Video 3.mwv" and the image discussed in paragraph 12 above. In the IM005911.jpg image, the prepubescent female minor is laying on her back with her legs spread. The image further depicts the erect penis of an adult male touching the entire genital area between the prepubescent female minor's legs.

15. According to the Accurint Database, on November 10, 2006, BOROCZK resided in Buffalo Grove, Illinois. Accurint is a law enforcement database used to identify residents or businesses at particular addresses. The information in the Accurint database originates from, among other records, public records as well as utility and other types of bills.

16. In the course of analyzing the contents of the "Pet" file, Corporal Erdely captured the EXIF data associated with each image file. EXIF data is information stored within an image by the digital camera used to capture that image. Each type of digital camera has its own EXIF data that is unique to that particular make and model of camera.

Indeed, the EXIF data may include the make or model of the camera, serial number for the camera, and the specific settings that were used to take each picture.

17. According to Corporal Erdely, the camera used to capture each of the images in the "Pet" folder, including the images described in paragraph 14 above, is a Hewlett Packard PhotoSmart 315 digital camera. According to a Hewlett Packard Global Investigations Manager responsible for supply chain matters, the PhotoSmart 315 digital camera has at all times been manufactured outside of the United States.

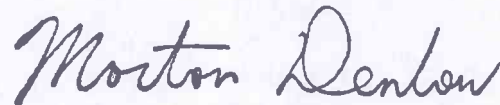
Conclusion

18. Based on the foregoing, your affiant submits that there is probable cause to believe that DARRICK C. BOROCZK has engaged in the sexual exploitation of a minor in violation of Title 18, United States Code, Section 2251(a).

FURTHER AFFIANT SAYETH NOT.

LINDSEY PATTI
Special Agent, Immigration & Customs Enforcement

SUBSCRIBED AND SWORN to before me on July 29, 2009.



MORTON DENLOW
United States Magistrate Judge